

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION

ERNEST VANDALL,

Plaintiff,

v.

Civil Action No. 5:17-CV-03544
The Honorable Irene C. Berger

WELLS FARGO BANK, N.A.,

Defendant.

**PLAINTIFF'S CONSOLIDATED RESPONSE TO DEFENDANT WELLS
FARGO BANK, N.A.'S MOTIONS IN LIMINE**

Plaintiff Ernest Vandall responds to Defendant Wells Fargo Bank, N.A.'s motion *in limine* as follows:

Defendant's motion regarding location, hometown, competence, or size of counsel [Doc. 53]

Wells Fargo seeks an order prohibiting any argument, mention, or reference to the location, hometown, competence, or size of counsel. Because those topics are routinely addressed and discussed in the jury selection process, the Court should deny the motion.

Defendant's motion regarding Defendant not being adversely affected by the verdict [Doc. 54]

Wells Fargo seeks an order prohibiting any argument, mention, or reference that Wells Fargo would not be adversely affected by the verdict. Vandall's counsel does not intend to make any such argument, mention, or reference and therefore Wells Fargo's motion is moot.

Defendant's motion regarding the Golden Rule [Doc. 55]

Wells Fargo seeks an order prohibiting Vandall's counsel from making a "Golden Rule" argument. Vandall's counsel does not intend to make any such argument, mention, or reference and therefore Wells Fargo's motion is moot.

Defendant's motion regarding Defendant's size and resources [Doc. 56]

Wells Fargo seeks an order prohibiting any argument, mention, or reference to its size or resources. Wells Fargo is a well-known corporation with offices in many locations, including West Virginia. Thus, the jury will be aware already of Wells Fargo's size and resources. Further, if the Court determines that the jury may consider an award of punitive damages, Wells Fargo's net worth and financial status are an integral part of the jury's consideration. Accordingly, the Court should deny the motion.

ERNEST VANDALL
By Counsel

/s/ Jeffrey V. Mehalic

Jeffrey V. Mehalic (WV State Bar No. 2519)

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CERTIFICATE OF SERVICE

I, Jeffrey V. Mehalic, hereby certify that on this 8th day of June, 2018, I electronically filed the foregoing using the CM/ECF system which will automatically send email notification of such filing to the following:

John C. Lynch, Esquire
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/s/ Jeffrey V. Mehalic
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